

SITE DEVELOPMENT PERMIT

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| FILE NO. | H21-036 |
| LOCATION OF PROPERTY | Northeast corner of Technology Drive and Skyport Drive (1730 Technology Drive) |
| ZONING DISTRICT | IP Industrial Park |
| GENERAL PLAN DESIGNATION | Urban Village |
| PROPOSED USE | Site Development Permit to allow the construction of an approximately 2,000-square foot storage building on an approximately 4.85-gross acre site. |
| ENVIRONMENTAL STATUS | Exempt Pursuant to CEQA Section 15303(e) New Construction or Conversion of Small Structures |
| APPLICANT ADDRESS | Bradley Stimson Quantumscape 1730 Technology Drive San Jose, CA 95110 |
| OWNER ADDRESS | Lisa K. Darrow The Sobrato Organization 599 Castro Street, Suite 400 Mountain View, CA 94041 |

FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The project site is located on the northeast corner of Technology Drive and Skyport Drive. The site is currently developed with a two-story research and development building. The approximately 4.85-gross acre site is surrounded by a parking garage and associated office to the north, a parking garage and associated office to the east, commercial retail uses across Skyport Drive to the south, and a hotel and offices across Technology Drive to the west.
2. **Project Description.** This Site Development Permit allows the construction of a 2,000-square foot ancillary storage building on the northeast portion of the approximately 4.85-gross acre site.

The new building would be installed along the northeast side of the main building in an area formerly used for parking and landscaping. Under California Health and Safety Code (HSC)

Section 25117, some of the materials produced by QuantumSpace, the building tenant, are considered hazardous wastes. QuantumScape has generated and accumulated hazardous waste at the existing research and development (R&D) building since 2014 under previous approvals from the City of San Jose and the County of Santa Clara Certified Unified Program Agency (CUPA), which has authority over the hazardous waste permits and programs.

The new storage building is required by QuantumScape, for the continuation of the existing R&D use at the site. QuantumScape generates and accumulates hazardous wastes materials on-site but does not treat, store, dispose, or recycle materials on-site. The waste materials are first accumulated inside the existing R&D building. The waste is then brought out to the existing building on a periodic basis by qualified chemical technicians. Containers used for waste accumulation are either reused on-site or taken away as hazardous wastes. The waste that is staged in the storage building would be held for less than 90 days before a qualified hazardous waste transporter removes the materials for off-site disposal.

3. **General Plan Conformance.** The subject site has a land use designation of Urban Village on the Envision San José 2040 General Plan Land Use/Transportation Diagram, the site is within the Rincon South Urban Village boundary.. Prior to preparation of an Urban Village Plan, this designation supports uses consistent with those of the Neighborhood Community Commercial designation, as well as development of Signature Projects as described in the Envision General Plan Implementation policies. There would be no change to the existing research and development use at the site.

In addition, the project is consistent with the following General Plan policies:

Land Use and Employment IE-1.2: Plan for the retention and expansion of a strategic mix of employment activities at appropriate locations throughout the City to support a balanced economic base, including industrial suppliers and services, commercial/retail support services, clean technologies, life sciences, as well as high technology manufacturers and other related industries.

Business Growth and Retention IE-2.2: Attract and sustain a growing concentration of companies to serve as the economic engine for San José and the region, particularly in driving industries such as information and communication technologies, clean technology, bioscience, and other sectors based on creativity and innovation.

Community Design Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Analysis: There would be no change to the primary existing building or R&D use on-site. The new storage building would support the growth and expansion of an existing business, which provides employment to the surrounding area.

4. **Zoning Conformance.** The project conforms in all respects to the provisions of Title 20 of the San José Municipal Code, including the development standards of the IP Industrial Park Zoning District. The project is subject to the following regulations of the Zoning Ordinance:

| Development Standard | Required | Provided |
|----------------------|----------|----------|
| Front setback | 15 feet | 241 feet |
| Side setback | 0 feet | 0 feet |

| | | |
|----------------|---------|-------------------|
| Rear setback | 0 feet | 0 feet |
| Maximum height | 50 feet | 15 feet, 2 inches |

Analysis: As discussed above, there would be no change to the existing R&D buildings within the office campus. The project would allow the construction of an approximately 2,000-square foot storage building at the northeastern end of the site. The project would conform with the required development standards of the IP Industrial Park Zoning District pursuant to Table 20-120, Section 20.50.200 of the Zoning Code.

Parking

| Ratio Required | Parking Required | Provided |
|---|---------------------|---------------------|
| R& D - 1 per 350 square feet of floor area (76,287 sf/350) | 218 spaces | 250 spaces |
| Warehouse – 2 spaces per 5,000 square feet (3,744 sf of warehouse uses) | 2 spaces | |
| Total | 220 spaces required | 250 spaces provided |

Analysis: Per Table 20-190, Section 20.90.060 of the Zoning Code, the required number of vehicle parking spaces at the site is 220 spaces. The total number of spaces provided would be 250. There would be no changes to the existing bicycle or motorcycle parking provided on-site. A total of 17 bicycle spaces and five motorcycle spaces are provided on-site.

5. Citywide Design Standards and Guidelines

The project is subject to the Citywide Design Standards and Guidelines, adopted by City Council in February 2021 (effective March 25, 2021). The project conforms with the following applicable standards and guidelines.

a. Section 2.3.6 Vehicular Parking Placement and Surface Parking Design

- i. Standard 3 – Screen at least 75 percent of surface parking from primary streets, secondary streets, public open spaces, and adjacent sites with Mixed-Use and Residential General Plan land use designations using landscaping or three-foot-tall architectural elements that (at least one of the following):
 - 1) Utilize the same materials, colors, and lighting fixtures as the site or building façades on the property for at least 75 percent of the area.
 - 2) Are covered with landscaping or public art for at least 75 percent of the total length along public open spaces, primary streets, and secondary streets.

Analysis: The existing R&D building, existing parking, and proposed storage building are all well screened by existing landscaping around the perimeter of the site. The landscaping is composed of existing trees which screen the parking from the street as well as perimeter landscaping, which will screen the storage building from the adjacent office uses to the north and east.

b. Section 2.3.3 Services and Utilities Access and Location

- i. Standard 3 - Screen all services and utilities located outside the building envelope that are within 30 feet of a public right-of-way

- ii. Guideline 1 - Locate all utility and service areas and access at least 50 feet away from street intersections and primary building entrances, measured from the edge of the driveway to the closest edge of the building entrance or open space
- iii. Guideline 4 - Establish a service and utility area for each building on a medium or large site with multiple buildings located away from the public realm.
- iv. Guideline 5 - Provide a minimum 22'-wide alley, driveway, or private street for waste collection vehicle access to servicing locations. Allocate the room required for waste collection vehicles to access the solid waste servicing locations and collect waste.

Analysis: The storage building would be located a minimum of 241 feet from the front setback. The building would be screened from the street by existing landscaping at the perimeter of the site. The building would also be screened from the existing adjacent properties by existing landscaping on the eastern and northern perimeter of the site. The building would be accessible from a 27-foot wide, two-way driveway.

6. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project is exempt under Section 15303(e) for New Construction or Conversion of Small Structures of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). All construction would be temporary and would be limited to the construction of the ancillary storage building. The site is not located within 500 feet of an existing residence.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. **Site Development Permit Findings.** Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Site Development Permit, which findings are made for the Project based on the above-state findings related to General Plan, Zoning and CEQA conformance and for the reasons state below, and subject to the conditions set forth in this permit.

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable Specific Plans and area development policies; and

Analysis: As stated above, the project would be consistent with the land use designation of Urban Village as well as General Plan polices regarding land use and employment and business growth and retention. The project would allow the construction of storage building that would support, and allow the expansion of the existing R&D use. There would be no change to the existing office campus use on-site.

- b. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project; and

Analysis: As stated above, the project is consistent with all applicable development standards of the IP Industrial Park Zoning District. There would be no change to the R&D building on-site. The project would include the construction of an ancillary storage building on the northeastern portion of the site. The storage building would conform with

the required heights and setbacks of the IP Zoning District. The project would provide the required parking in conformance with Section 20.90.060 of the Zoning Code.

- c. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: The project is consistent with City Council Policy 6-30 Public Outreach Policy for Pending Land Use and Development Proposals. An on-site sign was posted on the project frontage. The project was noticed at a radius of 500 feet.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The one-story storage building would be placed in the northeast portion of the subject site. The building would be ancillary and appurtenant to the two-story R&D building.

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The approximately 4.85-gross acre subject site is located adjacent to a mix of offices, industrial park, and hotel uses. The construction of the storage building would be setback from the street and is designed to be compatible with the existing R&D building on-site as well as the surrounding non-residential uses.

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project is exempt under Section 15303(e) for New Construction or Conversion of Small Structures of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). The new storage building is required by QuantumScape, for the continuation of the existing R&D use at the site. QuantumScape generates and accumulates hazardous wastes materials on-site but does not treat, store, dispose, or recycle materials on-site. The waste materials are first accumulated inside the existing R&D building. The waste is then brought out to the existing building on a periodic basis by qualified chemical technicians. Containers used for waste accumulation are either reused on-site or taken away as hazardous wastes. The waste that is staged in the storage building would be held for less than 90 days before a qualified hazardous waste transporter removes the materials for off-site disposal. All construction would be temporary and would be limited to the construction of the ancillary storage building. The site is not located within 500 feet of an existing residence.

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The storage building would be located a minimum of 241 feet from the front setback. The building would be screened from the street by existing landscaping at the perimeter of the site. The building would also be screened from the existing adjacent properties by existing landscaping on the eastern and northern perimeter of the site.

- h. Traffic access, pedestrian access and parking are adequate.

Analysis: As described above, the proposed project contains adequate parking and pedestrian, bicycle, and vehicular access into the site. The ancillary storage building would not affect traffic access or circulation.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per San José Municipal Code Section 20.100.290(B), should Permittee fail to file a timely and valid appeal of this Site Development Permit within the applicable appeal period, such inaction by the Permittee shall be deemed to constitute all of the following on behalf of the Permittee:
 - a. Acceptance of the Permit by the Permittee; and
 - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Site Development Permit shall automatically expire four (4) years from and after the date of issuance hereof by the Director, if within such time period, a Building Permit (for foundation or vertical construction) has not been obtained or, if no Building Permit is required, the use has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2)

substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

5. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Site Development Permit plans entitled, “Site Improvements for QuantumScape” dated received September 13, 2021, on file with the Department of Planning, Building and Code Enforcement (“Approved Plans”), and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
6. **Tree Protection Standards.** The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
7. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of San José.
8. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, and, state, and federal laws.
9. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
10. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
12. **Utilities.** All new on-site telephone, electrical, and other service facilities shall be placed underground.
13. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
14. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly-used areas free of litter, trash, cigarette butts, and

garbage.

15. **No Sign Approval.** Any signage shown on the Approved Plan Set are conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
16. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
17. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
18. **Required Vehicular, Motorcycle, and Bicycle Parking.** This project shall conform to the vehicular, motorcycle, and bicycle parking requirements of the Zoning Ordinance, as amended. Any changes to the required vehicular, motorcycle, or bicycle parking requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning.
19. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
20. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code for use of reclaimed water and shall include an irrigation system designed to allow for the current and future use of reclaimed water for all landscaping.
21. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
22. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated, on the final Approved Plans.
23. **Irrigation Standards.** Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping, the City of San José Landscape and Irrigation Guidelines and the Zonal Irrigation Plan in the Approved Plans. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
24. **Green Building Requirements.** This development is subject to the City's Green Building Ordinance for Private Sector New Construction as set for in Municipal Code Section 17.84. Prior to the issuance of any shell permits, or complete building permits, for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the project must achieve the minimum requirements as set forth in Municipal Code Section 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Section 17.84 shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
25. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This permit file number, HA03-039-02 shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Emergency Address Card.* The project Permittee shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
 - d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
 - e. *Other.* Such other requirements as may be specified by the Chief Building Official.
26. **Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the project must comply with the 2016 California Fire Code.
27. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/devresources>
- a. **Transportation:**
 - i. An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fee. Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2021 fee is \$17.55 per s.f. of Industrial or Office/R&D buildings and subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2023. This fee must be paid prior to issuance of Public Works Clearance. Credits for existing structures on site will be applied to the traffic impact fee consistent with the policy and will be prorated with each building permits issued. Based on the current rate the fee is approximately **\$35,100**.
 - ii. This project does not require a detailed CEQA Transportation Analysis nor a Local Transportation Analysis. The project is expected to result in less-than-significant transportation impacts and the projected traffic for the project was reviewed and found to be minimal.
 - b. **Urban Village Plan:** This project is located in a designated Urban Village per the Envision San Jose 2040 General Plan. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.
 - c. **Grading/Geology:**
 - i. A grading permit **may be** required prior to the issuance of a Public Works Clearance.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of

- 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San Jose Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction **may be** required to be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
 - vi. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures and source controls to minimize stormwater pollutant discharges.
 - vii. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
 - viii. **Flood Zone X:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
 - ix. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - x. **Street Improvements:** Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
28. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to

possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development Permit Amendment was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **5th day of January, 2022.**

CHRISTOPHER BURTON, Director
Planning, Building, and Code Enforcement

Deputy